

MONTANA LEGISLATIVE HISTORY

Chapter 52 19 85

Bill H 459 S _____ Original bill & history C

H. Committee on Agriculture, Livestock & Irrigation S. Committee on Agriculture, Livestock & Irrigation

Hearing Date(s) Jan 30 ✓ C

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Date Out Jan 30 ✓ C

Hearing Date(s) Feb 13 ✓ C

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_____ C

Feb 13 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

1/28 FISCAL NOTE RECEIVED
2/04 HEARING
DIED IN COMMITTEE

HB 456 INTRODUCED BY J. BROWN, BERGENE, CHRISTIAENS
SUPPORT FOR CHILDREN ON PUBLIC ASSISTANCE DURING
PENDENCY; DOMESTIC RELATIONS ACTION
BY REQUEST OF DEPARTMENT OF REVENUE

1/24 INTRODUCED
1/24 REFERRED TO JUDICIARY
1/30 HEARING
1/30 FISCAL NOTE REQUESTED
2/05 FISCAL NOTE RECEIVED
2/18 ADVERSE COMMITTEE REPORT
2/19 BILL KILLED

72

HB 457 INTRODUCED BY NATHE, CAMPBELL
UNDERSHERIFF, FORMER DEPUTY, RETURN TO OTHER DUTY
WHEN SUCCESSOR NAMED

1/24 INTRODUCED
1/24 REFERRED TO LOCAL GOVERNMENT
2/09 HEARING
2/11 COMMITTEE REPORT-BILL PASS AS AMENDED
2/12 2ND READING PASS
2/13 3RD READING PASS

96

99

TRANSMITTED TO SENATE
2/14 REFERRED TO LOCAL GOVERNMENT
3/23 HEARING
3/25 COMMITTEE REPORT-BILL CONCURRED
3/27 2ND READING CONCURRED
3/29 3RD READING CONCURRED

50

49

RETURNED TO HOUSE
4/04 SIGNED BY SPEAKER
4/04 SIGNED BY PRESIDENT
4/04 TRANSMITTED TO GOVERNOR
4/08 SIGNED BY GOVERNOR
CHAPTER NUMBER 375 EFFECTIVE DATE: 10/01

HB 458 INTRODUCED BY PECK, MCCORMICK, ET AL.
ALLOW CREDIT UNION, SAVINGS & LOAN TO MAINTAIN
-SATELLITE TERMINAL AT BRANCH

1/24 INTRODUCED
1/24 REFERRED TO BUSINESS & LABOR
2/21 HEARING
DIED IN COMMITTEE

HB 459 INTRODUCED BY SWITZER
REVISING THE LIVESTOCK MARKETING LAWS RELATING TO
LICENSES JURISDICTION, ETC.
BY REQUEST OF DEPARTMENT OF LIVESTOCK

1/24 INTRODUCED
1/24 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG
1/30 HEARING

HOUSE FINAL STATUS

1/31 COMMITTEE REPORT-BILL PASS AS AMENDED
 2/02 2ND READING PASS 87 0
 2/04 3RD READING PASS 99 0

TRANSMITTED TO SENATE
 2/07 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.
 2/13 HEARING
 2/14 COMMITTEE REPORT-BILL CONCURRED
 2/19 2ND READING CONCURRED 45 0
 2/21 3RD READING CONCURRED 49 0

RETURNED TO HOUSE
 2/23 SIGNED BY SPEAKER
 2/25 SIGNED BY PRESIDENT

2/25 TRANSMITTED TO GOVERNOR
 2/28 SIGNED BY GOVERNOR
 CHAPTER NUMBER 52 EFFECTIVE DATE: 10/01/85

460 INTRODUCED BY THOMAS, SIMON
 FEES TO COVER COSTS OF EXAMINING STATE FINANCIAL
 INSTITUTIONS
 BY REQUEST OF DEPARTMENT OF COMMERCE

1/24 INTRODUCED
 1/24 REFERRED TO BUSINESS & LABOR
 1/25 FISCAL NOTE REQUESTED
 2/01 FISCAL NOTE RECEIVED
 2/08 HEARING
 2/09 COMMITTEE REPORT-BILL PASS AS AMENDED
 2/09 STATEMENT OF INTENT ATTACHED
 2/12 2ND READING PASS 95 1
 2/13 3RD READING PASS 93 7

TRANSMITTED TO SENATE
 2/14 REFERRED TO BUSINESS & INDUSTRY
 3/18 HEARING
 3/20 COMM REPORT-BILL CONCURRED AS AMENDED
 3/22 REREFERRED TO BUSINESS & INDUSTRY
 3/25 COMM REPORT-BILL CONCURRED AS AMENDED
 3/27 2ND READING CONCURRED 50 0
 3/29 3RD READING CONCURRED 45 4

RETURNED TO HOUSE WITH AMENDMENTS
 4/05 2ND READING AMENDMENTS CONCURRED 88 6
 4/08 3RD READING AMENDMENTS CONCURRED 93 3
 4/15 SIGNED BY SPEAKER
 4/16 SIGNED BY PRESIDENT

4/18 TRANSMITTED TO GOVERNOR
 4/23 SIGNED BY GOVERNOR
 CHAPTER NUMBER 600 EFFECTIVE DATE: 4/23/85

461 INTRODUCED BY BRADLEY, WINSLOW
 ALLOW DEPOSIT OF HEALTH LAB FEES IN FEDERAL AND
 OTHER SPECIAL REVENUE FUND

1/24 INTRODUCED
 1/24 REFERRED TO STATE ADMINISTRATION
 2/06 HEARING

HOUSE AGRICULTURE COMMITTEE

January 30, 1985

Page 2

OPPONENTS: George Oberst, representing himself, stated that he opposes this bill because he felt knapweed is not sufficiently threatening. He informed the committee that knapweed is economically used by sheep, bees and wildlife. Knapweed is also a vital erosion preventer, and the weed only grows in dry sites where it doesn't have to compete for vegetation. He went on to say that knapweed is preventable, and can be controlled by several means; for example: 1) sheep grazing, 2) single chemical applications with replanting, 3) mechanical spot checks, 4) biological manipulation. Mr. Oberst asked the committee to hold this bill until the other bill, which is similar to this one, comes out. His testimony is attached as Exhibit E.

There being no further proponents or opponents present Rep. Thomas closed stating that he would like this bill passed out of committee so that the weeds can get on the program. He briefly commented on Mr. Oberst's remark about sheep grazing being a means of controlling knapweed, saying that the sheep eat the weed only until early summer and after that the weed is left alone.

DISCUSSION OF HOUSE BILL NO. 486: Rep. Jenkins asked Mr. Oberst why he only spoke on Spotted Knapweed. Mr. Oberst replied that the reason why was because he didn't really know much about the other weeds.

Rep. Patterson questioned Mr. Eck about "Tansy" and "Musk Thistle" being added to the list. Mr. Eck referred the question to Rep. Thomas who stated there were no objections.

Rep. Rapp-Svrcek asked Doug Johnson if these weeds were spreading. Mr. Johnson said that by adding these weeds to the list it would make more counties aware of them.

There being no further questions the hearing on House Bill No. 486 was closed.

CONSIDERATION OF HOUSE BILL NO. 459: Rep. Switzer, sponsor of the bill, stated this bill has had a lot of surgery done on it. He then went through the bill and discussed the amendments.

PROPONENTS: Les Graham, representing the Department of Livestock, stated that what this bill does is eliminate some of the loopholes which will allow for a quicker dealing with the bad check penalties. The department requested this bill because of the many

HOUSE AGRICULTURE COMMITTEE

January 30, 1985

Page 3

problems they have had in the past. He stated the department has approximately 1.7 million dollars worth of bad checks and none of these cases went to court. They need the ability to prosecute these people under the law. On page 4, line 7 & 8 they want the original language restored because it will give them more control over who is able to get a license.

Allen Eck, Montana Farm Bureau Federation, testified that this bill adequately addresses the problem that livestock producers sometimes have collecting money from buyers of their products. His testimony is attached as Exhibit A.

Ed Butcher, President of the Montana National Farmers Organization (NFO), stated that he feels that the industry has been victimized and certain prosecution of offenders is critical under present circumstances. He went on to say that NFO does not have a personal concern with the amendment since the original law is not tampered with as long as the original intent defines NFO as not under the dealer and licensing definition; and that NFO maintains a separate distinction because of its uniqueness in the industry. In conclusion he stated that NFO urges support of this bill and just asks that NFO's unique situation not be infringed upon.

Stuart Doggett from the Montana Stockgrowers Association of Grazing testified in support of House Bill No. 459. They believe that this bill helps remedy the problems of livestock markets.

There being no further proponents and no opponents present Representative Switzer closed.

DISCUSSION ON HOUSE BILL NO. 459: Rep. Schultz asked Mr. Graham what kind of action does a person have to go through to have someone apprehended. Mr. Graham replied saying that the injured party would have to sign a complaint and then an arrest warrant would be issued.

Rep. Rapp-Svrcek questioned Mr. Graham why this doesn't go under the felony bad checks. Mr. Graham answered that it is so complex and that so many people are involved. He further stated that if the

HOUSE AGRICULTURE COMMITTEE

January 30, 1985

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county attorneys were doing their job this would work, and that they have tried it both ways.

Rep. Devlin asked Mr. Graham how does the department and other states recognize whether a dealer is registered. Mr. Graham said that a dealer does not have to be double bonded.

Rep. Spaeth asked Mr. Graham how they know if it is an in-state shipment. Mr. Graham stated that the brand inspection shows the destination.

Rep. Cody asked if there was any way a person can call and see if the check is creditable. Mr. Graham replied to the question saying there is no way to find out.

There being no further questions before the committee, the hearing on House Bill No. 459 was closed.

EXECUTIVE SESSION

DISPOSITION OF HOUSE BILL NO. 459: Rep. Rapp-Svrcek moved to DO PASS the first amendment (Exhibit B). A question was called for and the amendment passed unanimously. Rep. Schultz moved for the second amendment (Exhibit C) to DO PASS. Question was called for and the second amendment passed unanimously. Rep. Rapp-Svrcek made a motion to DO PASS AS AMENDED House Bill No. 459. Rep. Fritz seconded the motion. House Bill No. 459 PASSED UNANIMOUSLY.

The committee then decided to wait for a similar bill to House Bill 486 before they took action.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 4:50 p.m.


JAMES SCHULTZ, Chairman

lcb

DAILY ROLL CALL

Agriculture COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1-30-85

NAME	PRESENT	ABSENT	EXCUSED
<u>James Schultz, Chairman</u>	X		
<u>Gay Holliday, V-Chairman</u>	X		
<u>Bob Bachini</u>	X		
<u>Dorothy Cody</u>	X		
<u>Duane Compton</u>	X		
<u>Gerry Devlin</u>	X		
<u>Robert Ellerd</u>	X		
<u>Orval Ellison</u>	X		
<u>Harry Fritz</u>	X		
<u>Ramona Howe</u>	X		
<u>Loren Jenkins</u>	X		
<u>Vernon Keller</u>	X		
<u>Francis Koehnke</u>	X		
<u>John Patterson</u>	X		
<u>Bing Poff</u>	X		
<u>Paul Rapp-Svrcek</u>	X		
<u>Gary Spaeth</u>	X		
<u>Dean Switzer</u>	X		

STANDING COMMITTEE REPORT

Page 1 of 2
HB 459

January 30 1935

MR. SPEAKER

We, your committee on AGRICULTURE

having had under consideration HOUSE Bill No. 459

FIRST reading copy (WHITE)
color

REVISING THE LIVESTOCK MARKETING LAWS RELATING TO LICENSES
JURISDICTION, ETC.

Respectfully report as follows: That HOUSE Bill No. 459

BE AMENDED AS FOLLOWS:

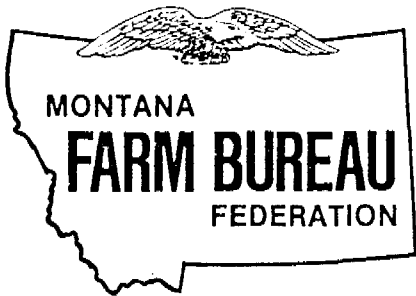
1. Title.
Following: line 10
Strike: "30-2-401,"
2. Page 2.
Following: line 11
Strike: section 2 in its entirety
Renumber: subsequent sections
3. Page 7, line 9
Following: "adopted"
Strike: "under 31-8-231"
Insert: "to implement those sections"

XXXXXX
DO PASS

January 30 19 35

4. Page 16, line 22
Following: "department"
Strike: "under 31-8-231"
Insert: "to implement those sections"

AND AS AMENDED,
DO PASS



502 South 19th

Bozeman, Montana 59715

Phone (406) 587-3153

TESTIMONY BY: Alan Eck

BILL # HB #459 DATE 1/30/85

SUPPORT XXX OPPOSE

Mr. chairman and members of the committee; for the record my name is Alan Eck. I'm representing the Montana Farm Bureau Federation. We would like to go on record as supporting House Bill #459. We believe this bill addresses the problem that livestock producers sometimes have collecting money from buyers of their products. The Montana Farm Bureau would like to see the committee give HB #459 a "do pass" recommendation. Thank You

Alan Eck
SIGNED

Exhibit B
HB 459
1-30-85

HB 459 Amendments

1. Title.
Following: line 10
Strike: "30-2-401,"
2. Page 2.
Following: line 11
Strike: section 2 in its entirety
Renumber: subsequent sections

Exhibit C
HB 459
1-30-85

HB 459 Amendments (Code Commissioner)

1. Page 7, line 9.
Following: "adopted"
Strike: "under 81-8-231"
Insert: "to implement those sections"
2. Page 16, line 22.
Following: "department"
Strike: "under 81-8-231"
Insert: "to implement those sections"

VISITORS' REGISTER

Agriculture

COMMITTEE

BILL NO. HB 459 HB 486DATE 1-30-82

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Alan Eck	Bozeman	HB 459 HB 486	
Les Graham	Dept. of Livestock	HB 459 X	
Jack Sedgwick	HELENA "	HB 459	
Clyde Peterson	" "	HB 459	
Doug Johnson	Great Falls (Mont. Weed Control Assoc)	HB 486	
George Ochenski	HELENA	—	
George Oberst	Helena Noxon	—	
Jack Azary	B. Williams	—	
Stuart Dyer	Mt. Slopegrowers Ass. of Growers, Dist.	HB 459	
Ken Rono	Townsend, Mt.		
Dave Donaldson	Mt. Assoc. of Cons. Dist.	HB 486	
Ed Butcher	Mont NFO Pres	HB 459	
Bill Cox	Mont NFO District	HB 459	
Keith Kelly	Mt. DEPT OF Agr	HB 486	
Ladina Lubious	WTFE	HB 459	
Barclay Mosley	Montana Local Belles	HB 486 HB 459	
Rory Goodwin	Mont. NFO Dist Pres	HB 459	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

late the practice of veterinary medicine. The word dentistry was somehow omitted from the original practices act. The date change was at the request of the Department of Commerce.

Senator Galt - Why the rush for the immediate effective date?
Dr. Burkhardtsmeyer - Because the laws go into effect on October 1. Our licenses come due on June 30 or July 1st. If we left it, we would be in limbo for five months. Senator Galt - The present Board would still be in effect. Dr. Burkhardtsmeyer - We could relicense July 1 and only have a 6 months license.

Hearing closed on HB 233.

HB 459: Representative Dean Switzer, HD 28. The bill changes regulations of the livestock marketing laws. Section 2 had been written out because of an oversight. The term livestock broker is eliminated and changed to livestock dealer and described on p. 5. It does not include farmer or rancher. On p. 7 the fine is levied under a different chapter of the law and the penalty is 50% to the Department of Livestock and 50% to the county in which the offense occurs. Changes that continue are changing words from brokers to livestock dealers and renumbering many of the sections. On the bottom of p. 9, the new language starts regarding the person who pays for livestock with a bum check knowingly and hasn't taken care of it within 5 days. He becomes guilty of a felony. That is the principal change to the law. Licensed dealers are referred to on p. 14. A person licensed to buy and sell cattle can be suspended where, in the past, he could get a willing dealer who had a license to allow him to buy cattle and continue right along. It addresses the distribution of fines again in the last section of the bill. The whole thing came about with the people gathered in Glendive last September at the 5 state conference on the interstate movement of livestock. It was probably precipitated by activities in Montana where they had lost a lot of money through a bum check writer, and were having the same problem in North Dakota. Each state at the 5 state conference was going to try to do something to tighten up their laws on penalties for writing bum checks for livestock.

PROPOSERS: Les Graham, Department of Livestock. This does eliminate the definition of the broker and makes it all inclusive under the definition of dealer. It doesn't change the basic definition of dealer. It still exempts the livestock rancher or producer and farmer in the normal course of his business and the Department has not had problems in the 12 years the Dealers Licensing Law has been in effect. It does say, though, that once a dealer is refused a license, he can't go and find another dealer who will accept him and keep him in business. This is what precipitated the problem on the Highline in eastern Montana three years ago. David Moso was turned down by the Department for a license. He found another person to cover him and, under law, the Department couldn't deny it. He wrote \$1,300,000.00 in bad checks. The Department did recover some

of that money but the Department is engaged in litigation at this time because of it. Another individual was convicted of cattle theft, plead guilty and, within 6 months was under another person's license and doing business again. It is the Department's feeling, after meeting with various county attorneys around the state, they should clean up the language a bit or come back and repeal the entire Dealers' Licensing Act within the state as now they are unable to do anything about the bad check people. With all the activity that has taken place in the last 4 years, they have yet to have a warrant for an arrest made because the county attorneys say they can't work under the old law. Mr. Graham felt they could if they would put more effort into it. The Department of Livestock is not going to say this will prevent that from happening again because it is his philosophy and the philosophy of the Board of Livestock that you can't dictate a person's private business practices to him. They feel this bill will allow for quicker prosecution in case it does happen. If this bill passes, then within 5 days after written notice of a bad check, the receiver of the check has to make written notice. If it is not acknowledged or an attempt made to take care of it, then the felony will apply. It will not prevent it from happening again, but it will give the Department a better shot at it after it does happen.

Mons Teigen, Montana Stock Growers Association, felt it plugs up loopholes they see in the law and asked the committee to support it. Exhibit #2.

Lavina Lubinus, WIFE, urged passage of the bill.

Lorna Frank, Montana Farm Bureau Federation, supported the bill. Exhibit #3.

OPPONENTS: None

Committee questions: Senator Bengtson - Page 5 - the fine of not more than \$10,000 and the loophole. Isn't the fine and penalty the same as in the old law. What makes this new language more enforceable? Clyde Peterson, Attorney for the Department of Livestock - This language grew out of a discussion with the county prosecutor's service and several county attorneys. They had some problem with intent when a person writes a bad check. The problem grew out of the person mentioned earlier by Mr. Graham. That person was acting as an agent and was writing checks on an account two states away. Eventually some of the banks cut off their funds and some of the checks started to bounce. They claimed they had no intent to bounce these checks. The county attorneys had a lot of problems with that as intent as a basis of criminal law. The county attorneys suggested we keep our penalty the same but add the language on pages 9 & 10 which are on lines 24 through line 10 on page 10. That language comes from the criminal code and the key to that language is that if you have an account and you have failed to make that check good within 5 days. that is prima facia evi-

dence that you had intent to bounce that check. The county attorneys informed us that this works real well and they suggested we put that similar language in our law. That language is in place in the criminal codes. The problem is the county attorneys said they like to work with this law as a whole. They like the penalty in this law which is slightly different and we have included a little different language on page 9, line 24 where it says "a person, whether or not licensed under this part" - We've had some problems with a county attorney who said the gentleman bounced a check and he wasn't a dealer so he couldn't be prosecuted under this law. This is a suggestion straight from the County Attorneys' Association and the county prosecutors. The intent of this is to go after dealers or people who are dealing in cattle and who are not licensed, not to go after farmers and ranchers.

Hearing closed on HB 459.

HJR 17: Representative James Schultz, HD 30, Lewistown, said this is a Resolution by the House dealing with rules and regulations promulgated by the IRS's requirement of logs on all automobile mileage responsibility regarding the use of any vehicle on or off the farm as well as any business. This is a protest to their high-handed efforts to rule and regulate agriculture and businessmen in regard to their businesses. He feels these rules and regulations are impossible and, in the articles he is handing out to the committee, there has been some recognition of this. The IRS said they will take a look at it, but he felt the committees should continue on and register their complaint to the IRS and members of the congressional delegation. Some vehicles no longer are capable of registering miles and it has become a big problem for the farmer and businessman. Copies of newspaper articles, Exhibits #4 and 5.

PROPONENTS: Carol Mosher, Montana Cowbells and Montana Stock Growers. Exhibit #6.

Lavina Lubinus, WIFE, asked to go on record in support of HJR 17.

Lorraine Gilhis, representing herself, whole hartedly endorsed HJR 17.

OPPONENTS: None.

Committee questions: Senator Bengtson - Do you have an update on what they are going in Congress? Representative Schultz - They are in the process of looking at it now but there are still some problems in determining what is mileage. Six days ago, in information he had seen, they were still considering livestock as only 80% and the other 20% would have to be considered family use or something else.

In closing, Representative Schultz urged the committee to pass

the Resolution on to the Senate floor.

DISPOSITION OF HJR 17: Senator Hammond moved HJR 17 BE CONCURRED IN. Motion carried unanimously. Senator Severson will carry the bill on the Senate floor.

DISPOSITION OF HB 233: Senator Aklestad moved HB 233 NOT BE CONCURRED IN.

John MacMaster, Legislative Council, explained to the committee there was something which didn't come out during the hearing. There was one provision which wasn't spoken to on p. 5, lines 21 through 25 and the 1st line on p. 6, regarding hiring the third year veterinary school student. The contract of hire has to be ok'd by the Board and you can't hire them for more than six months. One of the problems was if you hire them for 6 months then you have to get rid of them because you can only hire them for 6 months. It was thought it senseless to hire this person and then, after 6 months, you have to get rid of him after he has learned something. Then you have to go out and hire another person for 6 months. They deleted that provision and allowed to hire him for longer than 6 months. Basically it would be until he gets out of school and finished his third year. The rest of subsection E on p. 5 was put back in the House because they realized if you take out the first sentence, then you can't hire him at all. It is the first sentence that lets them do the hiring.

Senator Aklestad agreed with Senator Kolstad's comment that they would be back in next session at another \$3000 cost for the bill, so he withdrew his motion.

Senator Bengtson moved HB 233 BE CONCURRED IN. Motion carried. Senator Bengtson will carry the bill on the floor.

DISCUSSION ON HB 459: Senator Bengtson asked John MacMaster to speak on some questions he had in regard to closing the loophole and making it a felony that that is prima facia evidence they are having intent to comit a crime with the bad check. John - It says if a person has an account with the bank and he fails to make good on this check, then after 5 days after he has received written notice that it has bounced, that is prima facia that he knew it would not be paid. Now if you go back up to lines 1 & 2 on page 10, it says he has written that check knowing it will not be paid. What is happening here is, under the codes 26-1-102, "Prima facia evidence is that evidence which proves the particular fact until it is contradicted and overcome by other evidence". You are talking about a basic element of the defense, that you intended to bounce this check. If you call it prima facia evidence, then the state does not have to prove intent. Intent stands proven until the defendent proves he didn't have intent. The person is innocent of intent until the state proves he is guilty. If you show he was given notice

and you show he did not make good on it within 5 days, then it is presumed he intended to bounce that check. He has to disprove it and it is a problem. This kind of provision is becoming quite popular with the prosecutors and the council attorneys are telling all the legislators, when a bill is drafted along this line, there may be constitutional problems there.

DISPOSITION OF HB 459: Senator Lybeck felt this bill was long overdue and moved HB 349 BE CONCURRED IN. Motion carried. Senator Smith will carry the bill on the Senate Floor.

DISPOSITION OF SB 301: Senator Conover handed out the amendments to SB 301. He asked Mr. Hemmer from State Lands to explain them.

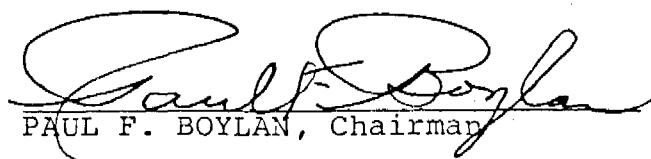
Mr. Hemmer - The Department of State Lands made a mistake in drafting the bill. Regarding the concern about the exception to the United States, the amendments in subsection 2 would say for agricultural leases and portion of agricultural leases containing both grazing and agricultural land, when the rental is paid on a crop share or cash basis the rental is due in cash on or before November 15 the year in which the crop is harvested. The Department would change it to say, if the rental is not paid on or before December 31st of the year in which the crop is harvested the lease is cancelled. So there is a 45 day grace period in there. They then added a section, as requested, see item 6 amendments, Exhibit #7. The last sentence was added as the Department ran into a problem and ended up in Supreme Court over whether or not which address should be used; the one sent in or the one used on the lease. They determined it would be the one used on the lease. The amendments clarify the errors made during drafting and also give that mandate that they send by certified mail the notice at lease 2 weeks before the lease cancellation.

Senator Galt moved the amendments. Motion carried.

Senator Bengtson moved SB 301, as amended DO PASS. Motion carried.

Senator Boylan announced that Friday's hearing would be at 1:00 p.m.

There being no further business, the meeting adjourned.


PAUL F. BOYLAN, Chairman

ROLL CALL

AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/13/85

SENATE
SEAT
#

	NAME	PRESENT	ABSENT	EXCUSED
1	SENATOR GARY AKLESTAD	✓		
27	SENATOR ESTHER BENGSTON	✓		
35	SENATOR JACK GALT	✓		
34	SENATOR H. W. (SWEDE) HAMMOND	✓		
10	SENATOR ALLEN KOLSTAD	✓		
38	SENATOR LEO LANE	✓		
48	SENATOR RAY LYBECK	✓		
31	SENATOR ELMER SEVERSON	✓		
39	SENATOR BOB WILLIAMS	✓		
29	SENATOR MAX CONOVER, V. CHMN.	✓		
50	SENATOR PAUL BOYLAN, CHAIRMAN	✓		

Each day attach to minutes.

DATE

Feb. 13, 1985

COMMITTEE ON

Agriculture

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
K.M. Kelly	Mont. Veterinary Medical Assn	HB 233	✓	
JESSE Munro	D.O.R.	HB 317	✓	
Scott Graham	Dept. of Livestock	HB 459	✓	
Shirley Clark		HB 459	✓	
Lorna Frank	Mont. Farm Bureau	HB 459	✓	
J.C. Burkhardtmeier	Brd of Veterinarians	HB 233	✓	
R.D. Parvater	Mont. Veterinary Med. Assn	HB 233	✓	
Ender, William	Visitor			
Carol Mander	Montana Local Belles	HJR 17 HB 459	✓	
Loraine Gilhe	Mont. Farm Bureau	HB 459	✓	
Mrs. Teegee	Mt. Stockgrowers Assn	459	✓	
Stuart D. Zippert	mt. Assn for State Grazing Districts	459	✓	
Ray E. Gulick	Joseph James Vintery			
David Lubinus	WIFE	459 HJR 17	✓	
Loraine Gilhe	Self	HJR 17	✓	
Anna Schatz	Sponsor HJR 17	"	✓	

NAME: Mons Teyen DATE: 2/13/85

ADDRESS: Helena

PHONE: 442-3420

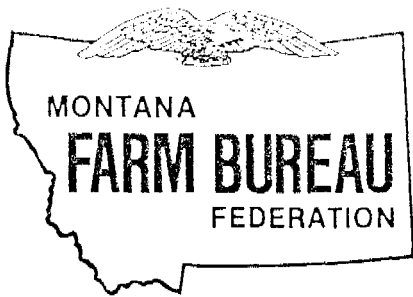
REPRESENTING WHOM? Monte Stockgrowers Assn

APPEARING ON WHICH PROPOSAL: House Bill 459

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT: This bill goes part way toward stopping a long held
that ~~will~~ exists in present law. The department in
its experience has detected this and believe
the amendment will improve their ability
to protect the Montana stockman

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



502 South 19th

Bozeman, Montana 59715

Phone (406) 587-3153

Exhibit #3

TESTIMONY BY: Lorna Frank

BILL # HB 459 DATE 2/13/85

SUPPORT X OPPOSE

Mr. Chairman and members of the committee, for the record my name is Lorna Frank. I am representing the Montana Farm Bureau Federation.

We would like to go on record in support of House Bill 459, we believe this bill addresses the problem that livestock producers some times have collecting money from buyers of their products. We would like the committee to give HB 459 a "do-pass" recommendation.

Lorna Frank
SIGNED

STANDING COMMITTEE REPORT

FEBRUARY 13

25

19.....

MR. PRESIDENT

We, your committee on AGRICULTURE, LIVESTOCK & IRRIGATION

having had under consideration..... HOUSE BILL No. 459

third reading copy (blue)
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Switzer (Smith)

REVISING THE LIVESTOCK MARKETING LAWS RELATING TO LICENSES JURISDICTION, ETC

HOUSE BILL

Respectfully report as follows: That..... No. 459

BE CONCERNED IN

~~YENPAXX~~

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PAUL F. BOYLAN,

Chairman.